

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ALYWEN DALE CROSS

v.

HONORABLE BRODY SHANKLIN,
ET AL.

§
§
§
§
§
§

Civil Action No. 4:21-CV-871
(Judge Mazzant/Judge Nowak)

MEMORANDUM REJECTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 15, 2022, the report of the Magistrate Judge (Dkt. #13) was entered containing proposed findings of fact and recommendations that *pro se* Plaintiff Alywen Dale Cross's claims in the instant action be dismissed without prejudice under Federal Rule of Civil Procedure 4(m). After issuance of the Report and Recommendation, on June 27, 2022, Plaintiff filed objections (Dkt. #15).

Having considered the objections, the Court sustains the objections and rejects the Report and Recommendation. It appears that Plaintiff complied with the Magistrate Judge's Order as it relates to completing service in the time required by the Order; however, it is unclear if proper service was completed, even if service was timely. The Court directs the Magistrate Judge to review the objections and determine any deficiencies in how Plaintiff attempted service and outline those deficiencies, if any, to Plaintiff. If there are deficiencies, the Magistrate Judge should extend the time for Plaintiff to complete service. Since Plaintiff has made a good faith attempt to complete service, the interests of justice demand that Plaintiff be given an opportunity to complete proper service.

IT IS SO ORDERED.

SIGNED this 12th day of April, 2023.

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE